U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 11971419

Date: NOV. 24, 2020

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Worker (Extraordinary Ability)

The Petitioner, a finance minority business coach, seeks classification as an alien of extraordinary ability. See Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Texas Service Center denied the petition, concluding that the record did not establish that the Petitioner met the initial evidence requirements of the requested classification through either the receipt of a major, internationally-recognized award or meeting three of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3). The Petitioner subsequently filed a motion to reconsider, asserting that in addition to the two evidentiary criteria which the Director found she met, she also met an additional five criteria. The Director granted the motion but found that the Petitioner did not meet any of the additional criteria claimed. She now appeals from the Director's decision.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. See Section 291 of the Act, 8 U.S.C. § 1361. Upon de novo review, we will dismiss the appeal.

I. LAW

Section 203(b)(1) of the Act makes visas available to immigrants with extraordinary ability if:

(i) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,

(ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and

(iii) the alien's entry into the United States will substantially benefit prospectively the United States.

The term "extraordinary ability" refers only to those individuals in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate international recognition of his or her achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then he or she must provide sufficient qualifying documentation that meets at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x) (including items such as awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. See Kazarian v. USCIS, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); see also Visinscaia v. Beers, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); Rijal v. USCIS, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

The Petitioner was a finance executive for many years in her native country, rising to the level of Finance Director for the subsidiary of a large multinational corporation. In recent years she has been employed as a small business consultant, and states that she intends to offer these services to minority-owned businesses in the United States.

A. Evidentiary Criteria

Because the Petitioner has not indicated or established that she has received a major, internationally recognized award, she must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). In her decision on motion, the Director found that the Petitioner met the same two the evidentiary criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x) as in her previous decision, relating to her participation as a judge of the work of others and her leading role for an organization having a distinguished reputation. On appeal, the Petitioner asserts that she also meets five additional evidentiary criteria. After reviewing all of the evidence in the record, we find that while we disagree with the Director in part, the Petitioner has not established her qualification as an individual of extraordinary ability.

> Documentation of the alien's receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor. 8 C.F.R. § 204.5(h)(3)(i)

The record includes evidence of the following awards received by the Petitioner:

- Plaque and letter from the University [redacted] confirming that she earned the highest grade point average in her graduating class of economics majors in April 1987.

- ∑ Award of restricted stock units (RSUs) from [redacted] as part of the Exceptional Contributor Program (ECP) or Long-Term Incentive Program (LTIP) award in 2009, 2011 and 2013.
- ∑ Certificate from '[redacted] acknowledging the Petitioner as "the reference point of the organization for her "integrity" and "compliance with standards and policies," dated November 2010.
- ∑ [redacted] service pins recognizing the Petitioner's employment with the company for 5, 15, 20 and 25 years.

In his decision, the Director found that the evidence did not establish that any of these awards were nationally or internationally recognized in the field of endeavor. On appeal, regarding her RSU awards from [redacted] the Petitioner asserts that because the company is a large and well-known multinational corporation, her status as one of a "select few" recipients is sufficient to establish her eligibility under this criterion. She also refers to letters issued by company officials at the time of the award which indicate that the Petitioner was "part of a selected group of people who were recognized for their valuable contribution to the corporate results" and that the awards are "based on substantial contributions well above the expectations of the Company." This evidence confirms that the RSUs were given for excellence in the Petitioner's field of endeavor, but does not show that the awards are nationally or internationally recognized in the fields of finance or minority business coaching. Although they were granted by a large, well-known multinational corporation, there is no record in the evidence of recognition of these awards from others in the field of finance. And an email from an official of the current [redacted] Company confirms that it does not have "public announcements, photos or certificates documenting these awards," making it unlikely that others in the Petitioner's field recognized or were even aware of the RSU awards.

Regarding the other awards from [redacted] the record does not include evidence which shows that the certificate the Petitioner received in 2010 and her service pins were awarded for excellence in her field, as opposed to satisfactory job performance and number of years of employment, respectively.

Finally, the evidence demonstrates that the Petitioner was recognized by the University [redacted] as having achieved the highest grade point average in her graduating class in economics, and an article in what appears to be a local newspaper covered the graduation ceremony and documents the Petitioner's speech on behalf of the class. Although this award shows that the Petitioner excelled academically, it does not establish that she was recognized for excellence in the fields of finance or business coaching. In addition, the single article which does not explicitly mention her award is not sufficient to demonstrate that it was recognized at the national or international level.

For all of the reasons given above, we find that the Petitioner has not met this criterion.

Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields. 8 C.F.R. § 204.5(h)(3)(ii)

The Petitioner bases her claim to this criterion upon her membership in three[1] associations:

- Controllers of [redacted] Group
- Economists Association of [redacted]
- The [redacted] Chamber of Commerce and Industry ([redacted])

As evidence of membership in the Controllers of [redacted] Group, the Petitioner submitted a letter from a branch manager for [redacted] an insurance company which counted [redacted] as one of its clients. The branch manager, who states that he worked with the Petitioner for more than 20 years, indicates that [redacted] coordinated lunch meetings of comptrollers from companies in the state [redacted] and that the Petitioner represented [redacted] at these lunch meetings. In addition, a brief paragraph and photographs from what appears to be a local newspaper's account on an online photo-sharing platform describes a meeting of this group in 2012, but does not mention the Petitioner.

We first note that the evidence indicates that these meetings were an informal gathering of [redacted] clients, and does not establish the existence of an association in the field of finance or business coaching. The name of the asserted association, "Controllers of [redacted] Group," does not appear in either document, nor is there any official documentation, such as a membership card or certificate, that she was a member of such a group. Further, even assuming that such evidence was present, the record also does not include evidence that this group required outstanding achievements of its members. Both documents indicate that this was a meeting of comptrollers from companies in the [redacted] area, but there is no other evidence regarding how the members were selected or invited to attend. We will not assume, without evidence to support such an assertion, that the status of being a comptroller meets the requirements of this criterion.

Turning next to the Petitioner's membership in the Economists Association of [redacted] she submitted a certification stating that she has been an active member since 1988. The certification also adds that she has complied with all of the association's requirements and paid all dues. In his previous decision, the Director noted that Article 6 of the bylaws and rules of this association states that active members "are those professionals referred to in Article 18 of the Economist's Profession Practice Law, who request their registration and are admitted…" and found that this evidence did not show a requirement for outstanding achievements. On appeal, the Petitioner acknowledges this, but asserts that the document "establishes that all potential member candidates must be reviewed and approved by the School's Board of Directors which are all Economists." However, the Petitioner does not refer

[1] The Petitioner also submitted evidence regarding her membership in The Professional Association of Business Credit (APOCRE), but does not challenge the Director's decision regarding this association on appeal. We therefore consider this claim to be abandoned. See Sepulveda v. U.S. Att'y Gen., 401 F.3d 1226, 1228 n. 2 (11th Cir. 2005); Hristov v. Roark, No. 09-CV-27312011, 2011 WL 4711885 at *1, *9 (E.D.N.Y. Sept. 30, 2011) (the court found the plaintiff's claims to be abandoned as he failed to raise them on appeal to the AAO).

to a specific article in the bylaws which includes this requirement, nor has it been established that the board members are recognized national or international experts. In addition, this assertion does not address the Director's finding that the bylaws do not indicate that aspiring members should have any achievements beyond being active economists. Therefore, the Petitioner's membership in this association does not meet the requirements of this criterion.

Regarding the Petitioner's membership in [redacted] she asserts on appeal that her membership on the Corporate Finance committee of this association qualifies under this criterion. The Petitioner submitted a copy of an email from the association welcoming her to the Corporate Finance and Capital Market committee, which states that the committee's goal is to offer updated information and focuses on gathering company leaders into work groups. In a document titled "Rules of the Work and Services Committees," it is stated that members of committees should be nominated by the key contact of the [redacted] enterprise member, and that the candidate's curriculum vitae and other documents are sent to the committee president for review. Another document, which appears to be from the association's website but does not include the webpage address, states that the committees "bring together professional executives of different positions," and indicates that the Corporate Finance and Capital Markets committee is "formed by 103 members that work as General Managers and Finance Directors" for member companies. It goes on to state that each member company may appoint up to two executives to participate in each committee. A third document, titled "Requirements and Profile of Executives in Order to Join the Committees," repeats the requirements noted above, and adds that the member of the Corporate Finance committee should occupy "the highest position of your company" in that functional area.

This evidence shows that the membership rules of [redacted]'s Corporate Finance and Capital Markets committee requires a candidate to have reached a certain level of professional achievement, namely the highest finance position within their company. However, the Petitioner has not demonstrated that reaching a certain position within a company's hierarchy is considered to be an outstanding achievement. Further, there is insufficient information regarding the requirements of a committee chairman or president to establish that such an individual is inherently a nationally or internationally recognized expert within the field of finance.

Upon review, we find that the Petitioner has not established that she meets this criterion.

> Published material about the alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation. 8 C.F.R. § 204.5(h)(3)(iii)

The evidence submitted in support of the Petitioner's claim to this criterion is of several different types, including articles in corporate newsletters or magazines as well as local newspapers, radio interviews of the Petitioner, and images of her on posters, billboards and in other formats. On appeal, she asserts that the evidence submitted "was written about [the Petitioner] or alternatively did cover her contributions in the field." However, the plain language of this criterion requires that both conditions be met: qualifying published material must be about the Petitioner and must relate to her work in her field of expertise. In addition, published material that focuses on the Petitioner's employer or a larger event in which she participated is not about her and does not meet this regulatory criterion.

See, e.g., Negro-Plumpe v. Okin, 2:07-CV-820-ECR-RJJ at *1, *7 (D. Nev. Sept. 8, 2008) (upholding a finding that articles about a show are not about the actor). For example, the article appearing in El Caraboneno on [redacted] 1987 was about the graduation of economists from the University of [redacted] and includes only a single sentence mentioning that the Petitioner spoke on behalf of the graduating class and thanked the professors. Just as an article about a circus show is not about one actor who is briefly mentioned, so this article is not about the Petitioner.

Similarly, an article appearing the newspaper Notitarde is about [redacted]'s Christmas party, and the inclusion of the Petitioner in a captioned group photo does not make the article about her. In addition, although a reader can assume that she is an employee of [redacted] there is no discussion of the Petitioner's work in the field, nor is her job title mentioned.

Two additional written articles were published in [redacted] Magazine, a corporate publication.[2] One of these articles describes the annual internal financial controls audit conducted at [redacted] and includes a photograph of the Petitioner and two other individuals who it can be assumed participated in the audit. Although this article is about the Petitioner's work, she is not mentioned or identified anywhere in this material, and it is therefore not about her. The second article describes the company's "Special Donations Program," and again the Petitioner appears in an uncaptioned group photograph and is not mentioned by name. Further, although it can be surmised that she participated in this charitable program along with others, the article does not discuss her work in the field of finance.

In addition to finding that none of these articles are about the Petitioner, we also note that, despite the Director's specific request for such evidence in his request for evidence (RFE), the Petitioner has not provided evidence of circulation figures or other evidence to establish that any of the publications discussed above are qualifying media under this criterion. Although we note that she mentioned some statistics in her response to the Director's RFE and later repeated them in her motion to reconsider, these assertions are not supported by evidence in the record, and are not accompanied by evidence pertaining to comparable media. The record is therefore insufficient to establish that these publications are professional or major trade publications or other major media.

Another type of evidence submitted in support of this criterion was the transcript of an interview of the Petitioner during a radio program called '[redacted]' which took place two months after the Petitioner filed her petition for classification as an alien of extraordinary ability. The interview is about her and her work as a small business coach or consultant. However, as with the publications described above, the Petitioner did not submit evidence to establish that this radio program is a qualifying medium for purposes of this criterion.

The Petitioner also reiterates her assertion on appeal that the appearance of her image on billboards and posters outside of the [redacted] administration building should be considered to be qualifying under this criterion. The sole evidence in support of this claim is two photographs of the same poster, showing the Petitioner and another individual, attached to an exterior wall of a building.

[2] The evidence does not indicate whether this Spanish-language magazine is distributed only among [redacted] employees in Latin America, or whether the same issue is translated into several languages and distributed across all countries where the company does business.

The Petitioner is not identified on the poster, nor is there any accompanying text that discusses her background, career or work in the areas of finance or business consulting.

Finally, the Petitioner provided a presentation including information about a webinar given by the Petitioner, which the presentation indicates concerned setting up a business in the United States. This material provides information about the results of marketing for this webinar from a company called [redacted]' No evidence concerning the publication of this presentation was provided, and it is not about the Petitioner but about marketing efforts for her webinar. The Petitioner also provided a link to the webinar on YouTube, and asserts that she was the only speaker concerning business and finance. However, the plain language of this criterion requires evidence of published material about the Petitioner, not published material authored by her, which is addressed under the criterion at 8 C.F.R. § 204.5(h)(3)(vi). In addition, the Petitioner does not assert that [redacted]'s YouTube channel qualifies as a professional or major trade publication or other major media, nor does the evidence support such a finding.

For all of the reasons discussed above, we find that the Petitioner does not meet this criterion.

> Evidence of the alien's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specialization for which classification is sought. 8 C.F.R. § 204.5(h)(3)(iv)

The Petitioner submitted evidence of performance reviews she completed for several managers who reported to her in her role as finance director at [redacted]. As such, we agree with the Director and find that she meets this criterion.

> Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field. 8 C.F.R. § 204.5(h)(3)(v)

"Contributions of major significance" connotes that a petitioner's work has significantly impacted the field. See Visinscaia, 4 F. Supp. 3d at 134. For example, a petitioner may show that the contributions have been widely implemented throughout the field, have remarkably impacted or influenced the field, or have otherwise risen to a level of major significance in the field.

As an initial matter, we agree that the Director erred in his initial decision in referring to the Petitioner's "scientific" contributions, and compounded this error in his motion decision by failing to recognize that the regulations state that business is a separate field from the sciences for purposes of this classification. However, the Petitioner does not assert, nor do we find, that this error affected the Director's decision in a material or significant way.

The Petitioner also asserts on appeal that the Petitioner's contributions of major significance are not represented by the copies in the record of presentations she made at business meetings, "but in the impact and effect of such lectures and presentations which produced concrete results of major significance in the field of business." She first refers to an "$8 MM dividend foreign supplier payment approval" made to [redacted] in June 2011. As evidence of this contribution, she refers to a [redacted] World Headquarters memo dated July 20, 2011, which when discussing the financial situation of the [redacted] subsidiary, states that "With much fanfare, the dividend payment of $8.5MM was approved

and has been received." However, the Petitioner does not provide further evidence of her role in [redacted]s receipt of this dividend, or of the impact it had on the overall field of finance or business. We note that she submitted several reference letters from her former colleagues at [redacted] and others who worked with her during this period, but none mention this dividend payment or its contribution to an organization (let alone the overall business or finance field) whose sales in the same month in the "ROW Region" were $87.5 million and whose global sales in fiscal year 2014 approached $11 billion.

In addition to her assertions regarding the dividend payment, the Petitioner also bases her claim to this criterion upon her leadership of projects while at [redacted] The evidence shows that she played an important role in implementing financial and operational controls to comply with Sarbanes-Oxley (SOX) legislation for her employer, that she led the financial aspect of important software system installations in [redacted] subsidiaries in Venezuela, Mexico and Costa Rica, and that she helped to guide the company through challenging economic conditions in [redacted] However, while this evidence is sufficient to demonstrate her leading and critical role for [redacted], and that she made important contributions to the company, it does not establish that her contributions were of significance to the broader fields of finance, small business coaching or, more broadly, business. As previously noted, she submitted several reference letters from former colleagues with [redacted] but did not submit reference letters or other evidence to show how she impacted her field beyond her employer.

As such, we find that the evidence does not establish that the Petitioner meets this criterion.

> Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation. 8 C.F.R. § 204.5(h)(3)(viii)

The Director found that the Petitioner met this criterion, but did not specify the basis of his decision. The evidence establishes that beginning in 1988, she held a number of increasingly responsible positions for [redacted] reaching the level of Finance Director when she left the company in 2013. It also shows that she played a critical role in the design and implementation of financial controls and systems for the company and affiliates in Latin America, and advised senior leadership regarding strategic acquisitions in the region. In addition, the record sufficiently demonstrates that [redacted] has a distinguished reputation. We therefore agree with the Director and find that the Petitioner meets this criterion.

> Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field. 8 C.F.R. § 204.5(h)(3)(ix)

In support of her claim to this criterion, the Petitioner submitted several different types of evidence. As evidence of her salary and remuneration, she primarily relies upon letters from [redacted] A letter dated June 18, 2018 states that at the time of her departure from the company in 2013, she was earning a "basic monthly salary" of [redacted]71,271.00, and an annual salary at the rate of [redacted] 1,313,524.53. A second letter, dated April 2011, explains her salary and benefits in greater detail, indicating that her "total annual fixed remuneration" as of May 1 was [redacted] 660,705.20, and that she would receive a variable performance-based bonus of anywhere between 0-50% of her "annual base salary." In addition, the letter stated that her "non-cash benefits" included a company car, along with maintenance and repair expenses; health, auto and life insurance; a mobile phone, and a pension plan. The Petitioner

also submitted a number of receipts and other documents relating to these non-cash benefits, and asserts that when considered together, her total remuneration in 2013 was the equivalent of $336,165.64.

On review, we first note that the Petitioner also submitted copies of Form DPN-99025, Income Tax Final Statement and Payment for Resident Natural Persons and Unvested Inheritances, issued by the government of [redacted] These forms indicate that in 2011, 2012, and 2013 the Petitioner earned "Salary, Wages & Other Similar Income" of [redacted] 308,675.84, [redacted] 405,144.00 and [redacted] 475,768.00, respectively. The Petitioner did not explain, or provide evidence to show, why these figures differ substantially from those in the letters from her employer.

In addition, the employer letter regarding the Petitioner's 2013 salary does not explain the difference between the basic monthly rate, which when annualized is equivalent to [redacted] 855,252, and the annual salary rate of [redacted] 1,313,524.53. The Petitioner also does not explain whether the "total annual fixed remuneration" figure shown in the 2011 employer letter is an annualized basic monthly rate or equivalent to the annual salary figure listed in the 2018 letter. Further, related to the point made above, neither letter explains whether the benefits listed in the 2011 letter (and presumably carried over to the same position in 2013) were already figured into the annual figures given in both letters.

For the purpose of comparison of her salary and total remuneration to that of others in her field, the Petitioner submitted salary surveys from a number of sources. As a general rule, individuals working in different countries should be evaluated based on the wage statistics or comparable evidence in that country, rather than by simply converting the salary to U.S. dollars and then viewing whether that salary would be considered high in the United States.[3] In addition, average salary information for those performing work in a related but distinct occupation with different responsibilities is not a proper basis for comparison. Rather, a petitioner must submit documentary evidence of the earnings of those in his/her occupation performing similar work at the top level of the field. See Matter of Price, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994) (considering professional golfer's earnings versus other PGA Tour golfers); see also Grimson v. INS, 934 F. Supp. 965, 968 (N.D. Ill. 1996) (considering NHL enforcer's salary versus other NHL enforcers); Muni v. INS, 891 F. Supp. 440, 444-45 (N. D. Ill. 1995) (comparing salary of NHL defensive player to salary of other NHL defensemen).

Here, several of the surveys the Petitioner submitted do not provide relevant data for comparison to her salary. For example, what appears to be a slide presentation from a company called Mercer provides the "base salary for a director" in U.S. dollars for several Latin American countries in 2014, obtained from "the 2014 TRS survey." However, [redacted] is not one of those countries, and the salaries range from $10,202 in Argentina to $15,609 in Chile, a difference of more than 50%. There is no evidence which indicates which of these figures, if any, accurately represents director salaries in [redacted] at the time. In addition, this evidence does not provide information about the number, industry and size of the companies included in this survey, or describe the duties or relative level of responsibility of a "director," and therefore is not an accurate basis for comparison to the Petitioner's salary.

[3] See USCIS Policy Memorandum PM 602-0005.1, Evaluation of Evidence Submitted With Certain I-140 Petitions; Revisions to the Adjudicator's Field Manual (AFM) Chapter 22.2, AFM Update AD11-14. (Dec. 22, 2010), https://www.uscis.gov/policymanual/HTML/PolicyManual.html.

In addition, three other surveys, from the websites glassdoor.com and payscale.com, as well as the U.S. Bureau of Labor Statistics' Occupational Outlook Handbook, provide the wages for executives working in the United States, and provide salary data for periods after 2013. Therefore, as they do not reflect the compensation of finance executives in [redacted] in 2011 or 2013, none of these surveys include relevant information to provide an appropriate basis for comparison to the Petitioner's salary and total remuneration.

Another salary survey, partial results of which are included in and summarized by a slide presentation from "the PGA Group" and an article in a magazine called Business [redacted] was conducted by [redacted] in May 2013. The slides indicate that 187 companies were surveyed, and the results were grouped by five position levels, three company sizes, and eight functional areas. As for the article, it differentiates between basic monthly salary and total annual salary or compensation, which includes commissions, bonuses and other performance-based incentives, as well as benefits such as "direct payments, company profit sharing, paid vacations and other sundry variable payments." It also states that [redacted] workers essentially receive "around 19 or 20 (monthly) salaries per year," which appears to account for the difference in the monthly versus annual amounts stated in the article as well as the Petitioner's 2013 employer letter. Although the article does not specifically indicate whether other benefits received by the Petitioner such as a company car and insurance premiums are typically received by directors, we note that the ratio of her stated salary to her total compensation is close to the expected ratio indicated in the article. Therefore, due to the ambiguity in both the employer letters and the data provided in the [redacted] survey, we will consider the annual salary listed in the 2013 letter to represent the Petitioner's total remuneration for purposes of comparison to the survey data, and not consider the values suggested by the receipts.[4]

The relevant data from this survey indicates that directors, identified as those executives below the chairman or general manager level but above the managerial level, in large companies such as [redacted] earned an average total compensation of [redacted] 948,000 in 2013. In comparison, the Petitioner's total compensation rate[5] in 2013 was [redacted] 1,313,524.53, or approximately 138% of the average. However, the survey data does not provide a range of salary and total compensation figures from low to high, and therefore does not provide a complete picture of the compensation received by others in the Petitioner's field. While her total remuneration was above the average in relation to others in her field, she has not established that it was "significantly high" as required by the plain language of this criterion. Therefore, we find that the Petitioner has not met the requirements of this criterion.

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[4] We also note that the Petitioner has not sufficiently shown that the value of some of the services shown by the receipts was received by her, as the receipts for car maintenance and mobile phone services are not in her name. In addition, the Petitioner has not shown that under [redacted] tax law, the value of benefits such as repairs and maintenance to company vehicles, mobile phone services, and insurance premiums are considered as part of an individual's total compensation, or how the value of those benefits is calculated. Further, regarding the RSUs awarded to the Petitioner based upon her performance, a fact sheet regarding the award program notes that in most countries, "the value of RSUs at vesting is reportable as taxable income," and she has not demonstrated that the value of her vested RSUs should be considered in addition to the values reported in her tax returns or in the letters from [redacted] As previously noted, there is a large difference between the salary and wages reported on the Petitioner's income tax forms and those stated in the letters from her employer, and this difference has not been explained.

[5] We consider the rate at which she was paid in 2013, as the Petitioner states that she left [redacted] at some point in that year after the company was acquired.

III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten criteria. As a result, we need not provide the type of final merits determination referenced in Kazarian, 596 F.3d at 1119-20. Nevertheless, we advise that we have reviewed the record in the aggregate, concluding that it does not support a finding that the Petitioner has established the acclaim and recognition required for the classification sought.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing toward the top. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. Matter of Price, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). Here, the Petitioner has not shown that the significance of her work is indicative of the required sustained national or international acclaim or that it is consistent with a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); see also section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner has garnered national or international acclaim in the field, and that she is one of the small percentage who has risen to the very top of the field of endeavor. See section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2).

For the reasons discussed above, the Petitioner has not demonstrated her eligibility as an individual of extraordinary ability. The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

ORDER: The appeal is dismissed.